

JUNE 2012

ORAL ARGUMENT

CALENDAR

06/01/2012

JUNE, 2012

JUNE 4, 2012

**2:00 P.M., FRANKFORT TIME, MOTION PANEL,
JUDGE NICKELL, PRES., JUDGE ACREE AND
JUDGE JAMES LAMBERT, ASSOC.**

JUNE 5, 2012

**10:00 AM – 11:00 AM – ORAL ARGUMENT AT
JEFFERSON COUNTY JUDICIAL CENTER,
10TH FLOOR APPELLATE COURTROOM,
HBR MADISONVILLE, LLC, ET AL. V.
PEARLINE W. OFFUTT, ET AL. – 2011-CA-000437
JUDGE KELLY THOMPSON, PRESIDING JUDGE,
JUDGE SARA COMBS AND JUDGE IRV MAZE,
ASSOC.**

**11:15 AM – 11:45 AM – ORAL ARGUMENT AT
JEFFERSON COUNTY JUDICIAL CENTER,
10TH FLOOR APPELLATE COURTROOM,
KEVIN JONES V. TOYOTETSU AMERICA, INC.,
2011-CA-001159, JUDGE JANET STUMBO, PRESIDING
JUDGE, JUDGE GLENN ACREE AND
JUDGE JOY MOORE, ASSOC.**

**2:30 P.M. COURT MEETING AT JEFFERSON COUNTY
JUDICIAL CENTER, CONFERENCE ROOM,
LOUISVILLE, KENTUCKY**

**PHONE NUMBERS WHERE PANEL MEMBERS CAN BE REACHED WHEN ORAL
ARGUMENTS SCHEDULED:**

FRANKFORT – Contact Mary Zagale – (502) 573-7920

LOUISVILLE – Contact Marti Dodd – (502) 595-3440

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Monday, June 4, 2012

10:45 AM PJ: STUMBO, HON. JANET L.

MOORE, HON. JOY A.

VANMETER, HON. LAURANCE B.

2011CA001367

UNITED OUTDOOR MEDIA, LLC v THE BARBOURVILLE BOARD OF ADJUSTMENT

MOR appeal from trial court decision affirming decision of Barbourville Code Enforcement Officer and Board of Adjustment which denied approval to erect billboard. Issues include whether denial of permit was arbitrary in that the zoning regulations involved were in fact zoning regulations rather than a statement of policy in regard to advertising within city limits, whether regulations when read literally, grant discretion to zoning board and whether regulations are unconstitutionally void for vagueness.

CIVIL

KNOX COUNTY

HON JOHN KNOX MILLS

Appellant Atty:

WILSON, PHILIP

Appellant Name:

UNITED OUTDOOR MEDIA, LLC

Appellee Atty:

DIXON, CHARLEY JR

Appellee Name:

**THE BARBOURVILLE BOARD OF
ADJUSTMENT**

**** NOTE:PREVIOUSLY AT 10:00 AM**

11:30 AM PJ: MOORE, HON. JOY A.

ACREE, HON. GLENN E.

STUMBO, HON. JANET L.

2011CA001243

ELIZABETH YADON v TOYOTETSU AMERICA, INC.

Employment case: appeal from summary judgment in employment disability and retaliation case brought pursuant to KRS Chapter 344.

CIVIL

PULASKI COUNTY

HON JEFFREY T BURDETTE

Appellant Atty:

**HUFF, WINTER
LANGENDORF, GAIL**

Appellant Name:

YADON, ELIZABETH

Appellee Atty:

**BARR, P
PINSON, GWENDOLYN**

Appellee Name:

TOYOTETSU AMERICA, INC.

**** NOTE:**

**LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE
COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE,**

DATE: Tuesday, June 5, 2012

10:00 AM PJ: THOMPSON, HON. KELLY

COMBS, HON. SARA W.

MAZE, HON. IRV

2011CA000437

HBR MADISONVILLE, LLC v PEARLINE W. OFFUTT

CIVIL

HOPKINS COUNTY

HON JAMES C. BRANTLEY

Appellant Atty:

GWIN, ROBERT
MCGREGOR, HEATHER
RENZELMANN, JASON
SNYDER, SHERYL
SUMNER, GRIFFIN

Appellant Name:

HBR MADISONVILLE, LLC

Appellee Atty:

BURKE, KEVIN
CIRCEO, LISA
CIRCEO, RICHARD
REINS, ANTHONY
RHOADS, JERRY
SALYER, ROBERT

Appellee Name:

OFFUTT, PEARLINE

DYCHE, JOHN

SIGNATURE HEALTH CARE

**** NOTE:60 MINUTE ORAL - PREVIOUSLY SCHEDULED AT 10:30 AM**

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE,

DATE: Tuesday, June 5, 2012

11:15 AM PJ: STUMBO, HON. JANET L.

ACREE, HON. GLENN E.

MOORE, HON. JOY A.

2011CA001059

KEVIN JONES v TOYOTETSU AMERICA, INC.

MOR appeal from summary judgment in sexual discrimination case in which a hostile work environment is alleged as well as a failure to protect male workers' from sexual harassment perpetrated by a sub-contractor from whom it is alleged Appellee protected female workers. Appellant alleges he was fired for defending himself from a sexual battery. The issue presented is whether the trial court erred in entering the summary judgment dismissing all claims against Appellee as a matter of law.

CIVIL

PULASKI COUNTY

HON JEFFREY T BURDETTE

Appellant Atty:

SMITH, DAVID

SMITH, MARCIA

Appellant Name:

JONES, KEVIN

Appellee Atty:

BARR, P

PINSON, GWENDOLYN

Appellee Name:

TOYOTETSU AMERICA, INC.

**** NOTE:PREVIOUSLY 6/4/12 AT 10:45 AM IN FRANKFORT, KY.**

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE,

DATE: Thursday, June 14, 2012

10:45 AM PJ: KELLER, HON. MICHELLE M.

ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

2011CA000228 LOWRY R. WATKINS v STOCK YARDS BANK & TRUST CO.

2011CA000279

2011CA000290

This case involves a shareholder derivative suit and breach of fiduciary duty action arising from the sale of the Oxmoor Center Mall. On appeal, Watkins argues that the court granted summary judgment prematurely. On cross-appeal, the Appellees argue that the court should have awarded attorneys fees and costs.

CIVIL

JEFFERSON COUNTY

HON FREDERIC COWAN

Appellant Atty:

**BURKE, KEVIN
CANTLEY, SHAWN
MERCER, MICHAEL
OSTERMILLER, PETER**

Appellant Name:

WATKINS, LOWRY

Appellee Atty:

**IORELLA, MICHAEL
SULLIVAN, R**

Appellee Name:

DAVID HOCKER & ASSOCIATES, INC.

**ALFORD, HENRY
JENNINGS, REBECCA**

HOCKER, D.

**DOHENY, FRANK JR.
MERRICK, MICHAEL**

MAYNARD, E.

FORE, F.

NORA IASIGI BULLITT TRUST

**DYCHE, JOHN
TACHAU, DAVID**

STOCK YARDS BANK & TRUST CO.

**** NOTE:**

LOCATION: JEFFERSON COUNTY JUDICIAL CENTER, 10TH FLOOR APPELLATE COURTROOM, 700 WEST JEFFERSON STREET, LOUISVILLE,

DATE: Thursday, June 14, 2012

11:30 AM PJ: KELLER, HON. MICHELLE M.

ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

2011CA001161

BRIDGETT SELF v BARRY MANTOOTH

Self, on behalf of the estate of Mary Downs, appeals from the court's summary judgment of the estate's wrongful death claim. Self argues that the Mantooths breached their duty of care when they provided alcohol and marijuana to Horace Downs who shot and killed Mary Downs.

CIVIL

JEFFERSON COUNTY

HON MARY M SHAW

Appellant Atty:

**BREEN, RICHARD
REDDEN, GREGORY**

Appellant Name:

SELF, BRIDGETT

Appellee Atty:

TRAVIS, WILLIAM

DEVER, MARIE

Appellee Name:

DOWNS, HORACE

MANTOOTH, BARRY

**** NOTE:**

01:30 PM PJ: ACREE, HON. GLENN E.

CLAYTON, HON. DENISE G.

KELLER, HON. MICHELLE M.

2011CA001210

WILLIAM E. TAYLOR v UNITED PARCEL SERVICE, INC.

Civil; Civil Rights: Whether circuit court properly granted summary judgment dismissing claim of retaliatory discharge.

CIVIL

JEFFERSON COUNTY

HON FREDERIC COWAN

Appellant Atty:

**MILLER, J.
MILLER, NORMA**

Appellant Name:

TAYLOR, WILLIAM

Appellee Atty:

COLEMAN, TONY

Appellee Name:

UNITED PARCEL SERVICE, INC.

**** NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Friday, June 29, 2012

01:00 PM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2010CA002074

JOSEPH D. GREENWELL v LOWE'S HOME CENTERS, INC.

Whether circuit court erred by granting Lowe's motion for partial summary judgment and dismissing Greenwell's claim for third-party indemnity against Lowes.

CIVIL

BOYLE COUNTY

HON DARREN W. PECKLER

Appellant Atty:

Appellant Name:

FELD, TIMOTHY
MCLANE, RYAN
MCMURTRY, TODD
MEADOWS, DREW

GREENWELL, JOSEPH

Appellee Atty:

Appellee Name:

CLARK, ROBERT

JAMES R. VANNOY & SONS CONSTRUCTION
CO., INC.

TACKETT, JOHN

CRITTENDEN, DAVID
STOPHER, ROBERT

LOWE'S HOME CENTERS, INC.

MCNEILL, JOHN

MIKE MONTGOMERY

MALONEY, MICHAEL

THE ALLEN COMPANY

**** NOTE:**

**LOCATION: COURT OF APPEALS COURTROOM, 360 DEMOCRAT DRIVE,
FRANKFORT, KENTUCKY**

DATE: Friday, June 29, 2012

01:45 PM PJ: TAYLOR, HON. JEFF S.

LAMBERT, HON. JAMES H.

NICKELL, HON. C. SHEA

2011CA000306

**LAMAR ADVANTAGE GP COMPANY, LLC v TRANSPORTATION CABINET,
DEPARTMENT OF HIGHWAYS**

2011CA000344

2011CA000361

2011CA000487

Whether Cabinet correctly determined that Lamar's billboards violated the regulated prohibition against intermittent lights; whether Cabinet's decision violated Lamar's right to free speech.

CIVIL

FRANKLIN COUNTY

HON THOMAS D. WINGATE

Appellant Atty:

Appellant Name:

TAFT, RICHARD
THEISSEN, TIMOTHY
YANG, ANDREA

LAMAR ADVANTAGE GP COMPANY, LLC

Appellee Atty:

Appellee Name:

HAMILTON, TAYLOR
WHITE, SCOTT

TRANSPORTATION CABINET, DEPARTMENT
OF HIGHWAYS

**** NOTE:50 MINUTE ORAL**

03:15 PM PJ: LAMBERT, HON. JAMES H.

TAYLOR, HON. JEFF S.

NICKELL, HON. C. SHEA

2011CA000631

ABC, INC. v COMMONWEALTH OF KENTUCKY

Appeal by college from summary judgment in favor of attorney general challenging the authority of the AG to obtain records through a subpoena under the Consumer Protection Act. Issue includes the reasonableness of the scope of the demand.

CIVIL

FRANKLIN COUNTY

HON PHILLIP J. SHEPHERD

Appellant Atty:

Appellant Name:

DAVIS, TIMOTHY
GRASCH, ALBERT JR
THOMERSON, JAMES

ABC, INC.

Appellee Atty:

Appellee Name:

CONWAY, JACK
JUSTICE ***MESSENGER***, DELLA
LEATHERMAN, TODD
NICKLES, DANA

COMMONWEALTH OF KENTUCKY

**** NOTE:**